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JUN 18 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	Mag. Case No. '08 MJ 8552
Plaintiff,	COMPLAINT FOR VIOLATION OF:
v.	Title 8, U.S.C., Section 1324 (a)(2)(B)(iii) Bringing In Illegal Aliens Without Presentation
Gerardo MEZA-Marin	
Defendant.	

The undersigned complainant, being duly sworn, states:

On or about June 16, 2008, within the Southern District of California, defendant Gerardo MEZA-Marin, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, "H.P.L.O." and Rogelio DIAZ-Garcia, had not received prior official authorization to come to, enter or remain in the United States, did bring to the United States said aliens and upon arrival did not bring or present said aliens immediately to an appropriate immigration officer at designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached Statement of facts which, is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 18TH DAY OF JUNE 2008.

PETER C. LEWIS
United States Magistrate Judge

UNITED STATES OF AMERICA
v.
Gerardo MEZA-Marin

STATEMENT OF FACTS

The complainant states that this complaint is based upon statements in the investigative reports by the apprehending Border Patrol Agent M. Curnoles that on June 16, 2008, the defendant, Gerardo MEZA-Marin, a native and citizen of Mexico was apprehended near Calexico, CA as the guide of a group of undocumented aliens illegally entering the United States in violation of law.

On June 16, 2008, the Calexico Border Patrol Station's Remote Video Surveillance System Operator (RVSS) saw a group of four individuals illegally enter into the United States by wading north through the water in the New River. The New River crosses the International Boundary into the United States from Mexico. The RVSS Operator notified agents in the area of the illegal entry. Agents R. Gordon and T. Curran observed the group as it proceeded north through the river. The agents noticed two individuals, one later identified as Gerardo MEZA-Marin, as guiding the others through the river. The agents gave repeated commands to the illegal entrants to stop and come out of the river. The group failed to comply with the agents' commands and continued in the river.

MEZA continued to guide the group north through the river to an area where they were able to hide from agents in some thick brush on the river bank while staying in the river. Agents kept vigilance on the area throughout the day waiting for the group to emerge.

Agents Curnoles and L. Gonzalez were able to locate the group attempting to hide themselves in the brush yet still in the river. MEZA and one of the illegal entrants came out of the river. Another illegal entrant was finally stopped by agents after he had left the group as he attempted to flee south through the river.

After questioning MEZA and the other illegal entrants it was determined they are citizens of countries other than the United States illegally in the United States. MEZA and the others were placed under arrest.

Material Witnesses Rogalio DIAZ-Garcia and "H.P.L.O." both stated they are citizens of Guatemala illegally in the United States. DIAZ and "H.P.L.O." both stated arrangements were made with a smuggler in Mexico for them to be smuggled into the United States. DIAZ stated he was to pay a fee of $1,500.00 to be smuggled. DIAZ and "H.P.L.O." stated the smugglers used the river to cross them illegally into the United States.

"H.P.L.O." stated he/she was instructed by the smuggler to say he/she was eighteen years old and DIAZ's wife. DIAZ stated two of the individuals with him were the ones guiding them and giving them instructions.

DIAZ and "H.P.L.O." were shown a six pack photo line-up and identified photo number 6, MEZA, as the person who was guiding them into the United States.

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The complainant states that the names of the Material Witnesses are as follows:

NAME	PLACE OF BIRTH
"H.P.L.O."	Guatemala
Rogelio DIAZ-Garcia	Guatemala

Further, complainant states that "H.P.L.O." and Rogelio DIAZ-Garcia are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.